

Remarks**Drawings**

The drawings submitted on 10/31/2003 were informal. Applicant will submit replacement formal drawings in a future paper.

Claim Rejections

The patent office rejected claims 13-24 under 35 U.S.C. § 101, alleging that the phrase “or transmission” in the claim preamble caused the claims to read on non-statutory subject matter. Applicant has amended claims 13-24 to delete the phrase, thus obviating the rejections.

The patent office rejected claims 1-24 under 35 U.S.C. § 102(b), alleging them to be non-novel in view of U.S. patent 6,145,102 (“Klein”). These rejections should be withdrawn for at least the reason that Klein does not disclose each of the elements in Applicants independent claims 1 and 13.

Claims 1 and 13 each require “reading, *from at least one CPU register, a CPU maximum power value indicating the maximum power the CPU is rated to consume during operation.*” The computer described in Klein includes a CPU as shown at reference numeral 107. But Applicant is unable to find a statement in Klein that CPU 107 contains a register having a value therein for indicating the maximum power the CPU is rated to consume during operation. Nor does Klein teach reading such a register.

In particular, the excerpts from Klein that were offered by the patent office to support the rejection of claims 1 and 13 (see paragraphs 5 and 17 of the office action) state only the following. First, there is a need for a means for a computer to transmit information onto a network to notify an authority regarding a failure in the computer. (See Klein at col. 1, lines 22-30.) Second, a computer may execute a self test to diagnose a fault in the computer. Such a test may be executed by reading instructions stored on a boot ROM 110, not a CPU 107.

(See Klein at col. 2, lines 54-59.) And third, a power supply monitor 134, not a CPU 107, can have limits set therein, and a network message may be generated if an actual voltage or current on a power supply circuit exceeds the limits. (See Klein at col. 3, line 64 to col. 4, line 5.)

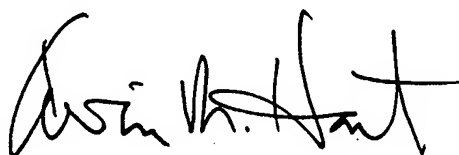
These excerpts do not disclose reading, from at least one CPU register, a CPU maximum power value indicating the maximum power the CPU is rated to consume during operation. Consequently, they fail to support the rejection of claims 1 and 13. The rejections should therefore be withdrawn and claims 1 and 13 allowed.

Without acceding to the allegations made by the patent office with regard to the dependent claims, Applicant notes that claims 2-12 and 14-24 should be allowed for at least the reason that each of them depends ultimately from allowable claim 1 or 13.

Conclusion

For at least the above reasons, Applicant asserts that all pending claims, as amended, are allowable over the prior art of record. Applicant respectfully requests a Notice to that effect.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin M. Hart". The signature is fluid and cursive, with the first name "Kevin" and last name "Hart" being clearly legible despite the stylized script.

Date: 1/22/2006

Kevin M. Hart

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